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8 *Attorney for Plaintiff*
9 *DANIEL ANDREWS*

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEVADA (LAS VEGAS)

DANIEL ANDREWS,

Plaintiff,

v.

CITY OF HENDERSON, a Nevada
Municipal Corporation; PHILLIP
WATFORD, KARL LIPPISCH,

Defendants.

CASE NO.: 2:18-cv-01625-RFB-BNW

**STIPULATION AND PROPOSED ORDER
TO EXTEND JOINT PRETRIAL ORDER
FILING DATE**

(SIXTH REQUEST)

Plaintiff, DANIEL ANDREWS (“Andrews”) and Defendants CITY OF HENDERSON,
KARL LIPPISCH, and PHILLIP WATFORD (“Defendants”), by and through their counsel,
hereby stipulate and agree to extend the remaining Pretrial Conference and Joint Pretrial Order
Filing date as follows:

1. On January 16, 2019, the United States District Court filed its Scheduling Order
[#21].
2. On January 23, 2019, the parties jointly filed their Proposed Discovery Plan and
Scheduling Order [#24].
3. On February 12, 2019, the parties filed a first request for an extension as it relates
to expert disclosures, Interim Status Report, and the Discovery Cut-Off dates [#27].

1 4. On February 13, 2019, the United States District Court filed its Order [#28],
2 granting the stipulated extension of the expert disclosure, Interim Status Report, and the Discovery
3 Cut-Off dates.

4 5. On May 13, 2019, the parties filed a second request for an extension of the rebuttal
5 expert disclosure deadline and stipulated to stay discovery [#40], as Plaintiff's counsel was
6 scheduled to have open-heart surgery and needed at least two months to recuperate.

7 6. On May 14, 2019, the United States District Court filed its Order [#41], granting
8 the stipulated extension and the stipulation to stay discovery.

9 7. On August 29, 2019, Plaintiff filed his First Amended Complaint [#49] and added a
10 new defendant, Phillip Watford.

11 8. On September 11, 2019, Defendants City of Henderson and Karl Lippisch filed
12 their answer to the amended complaint [#56].

13 9. On October 21, 2019, Plaintiff served his amended complaint on Phillip Watford.
14 Phillip Watford filed his answer to the amended complaint on November 12, 2019 [#64].

15 10. On November 14, 2019, the parties filed a third request for an extension of time as
16 it related to the Discovery Cut-Off, Dispositive Motion deadline, and the proposed Joint Pretrial
17 Order deadline [#66].

18 11. On November 14, 2019, the United States District Court filed its Order [#67],
19 granting the stipulated extension of the Discovery Cut-Off, Dispositive Motion deadline, and the
20 proposed Joint Pretrial Order dates.

21 12. On January 21, 2020, Defendants filed their Motion for Summary Judgment [#68],
22 which was denied in part by the Court on September 25, 2020 [#80].

23 13. On October 15, 2020, Defendants filed their Notice of Appeal to the U.S. Court of
24 Appeals, Ninth Circuit [#81].

25 14. On June 14, 2022, the U.S. Court of Appeals filed its Mandate [#85], affirming this
26 Court's Order.
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1 15. In early 2022, the Defendants' attorney was unexpectedly out of state for three
2 months due to a family emergency. Additionally, Defendants' attorney was out of the state for
3 one month after the Mandate was filed and has just recently returned to the office.

4 16. On July 22, 2022, a Stipulation and Order extending the Pretrial Order deadlines
5 was granted [#89] to a Pretrial Conference on August 22, 2022 and the filing of the Pretrial Order
6 to August 29, 2022.

7 17. Plaintiff's counsel suffered from an infection that his physician at Horizon View
8 Medical Center performed a Covid test which turned out to be negative. Nevertheless, he is
9 suffering flu like symptoms. Defense counsel was amenable to extending the conference from
10 August 22, 2022 to August 25, 2022. The parties attended a telephonic conference on August 25,
11 2022 at 4:00 p.m. and discussed various aspects of the Pretrial Order, as well as the parties desire
12 to schedule a Settlement Conference with a Magistrate Judge.

13 18. On August 31, 2022, an Order to Extend Joint PreTrial Order Filing Date (Fifth)
14 Request) [#93] was granted extending the filing date to September 20, 2022.

15 19. On August 31, 2022, a Stipulation and Order Scheduling Settlement Conference
16 [#94] was served on all counsel. Upon receipt of said Order, counsel for Defendants emailed
17 Plaintiff's counsel and contacted the clerk for Magistrate Judge Brenda Weksler regarding his
18 unavailability of the assigned dates for the Settlement Conference. Counsel were provided
19 alternative dates by Magistrate Judge Brenda Weksler's clerk and counsel exchanged emails
20 selecting new dates for the Pre-Settlement Conference and Settlement Conference (November 8-9,
21 2022). Plaintiff's counsel thought it prudent to further to extend the deadline to file the Joint Pre-
22 Trial Order from September 20, 2022 to November 16, 2022 given the upcoming settlement
23 conference. Defendants' counsel had no objection. See Exhibit 1: Emails confirming dates.

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20. All parties, as indicated by the signature of their counsel below, agree and stipulate as follows:

- a. To scheduling a settlement conference before Magistrate Judge Brenda Weksler on November 9, 2022; and
- b. To stipulate and seek an Order Extending the deadline to file the Joint Pretrial Order (Sixth Request) from September 20, 2022 to **November 16, 2022.**

Dated this 2nd day of September 2022.

CITY OF HENDERSON

/s/ Michael Oh

MICHAEL J. OH

Senior Assistant City Attorney
Nevada Bar No. 7470

WADE B. GOCHNOUR

Assistant City Attorney

Nevada Bar No. 6314

240 Water Street, MSC 144

Henderson, NV 89015

Attorneys for Defendants

*CITY OF HENDERSON, KARL LIPPISCH,
and PHILLIP WATFORD*

Dated this 2nd day of September 2022.

PETER GOLDSTEIN LAW CORP

/s/ Peter Goldstein

PETER GOLDSTEIN, ESQ.

Nevada Bar No. 6992

10161 Park Run Drive, Suite 150

Las Vegas NV 89145

Attorney for Plaintiff

DANIEL ANDREWS

ORDER

IT IS SO ORDERED

DATED: 1:53 pm, September 06, 2022



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**

EXHIBIT 1



Peter Goldstein <pglawstaff@petergoldsteinlaw.com>

Andrews v. HPD - Other Proposed Dates for Settlement Conference [COHCAO-LEGAL.FID63715]

4 messages

Michelle Harrell <Michelle.Harrell@cityofhenderson.com>

Wed, Aug 31, 2022 at 3:52 PM

To: Peter Goldstein <peter@petergoldsteinlaw.com>, "pglawstaff@petergoldsteinlaw.com" <pglawstaff@petergoldsteinlaw.com>

Cc: Michael Oh <Michael.Oh@cityofhenderson.com>

Good afternoon,

As you are aware, today the Court filed an Order Scheduling Settlement Conference, with the pre-Settlement Conference being held on 9/21 and the Settlement Conference being held on 9/23. Michael Oh will be traveling during those two days. This was a pre-planned trip, and he has already purchased his airfare. I contacted the court to see if other dates were available. Radia Amari, the law clerk to Judge Weksler, provided the following dates and times:

- Wednesday, Nov. 9 at 10 (pre-SC call on Tuesday, Nov. 8 at 3)
- Tuesday, Oct. 11 at 10 (pre-SC call on Friday, Oct. 7 at 2)
- Thursday, Oct. 6 at 10 (pre-SC call on Wednesday, Oct. 5 at 3)

Mike's preference for his schedule is November 8th for pre-SC call and November 9th for the conference. The other dates will work as well if the November ones aren't good for you.

After we pick a date, we will draft the stipulation with the new dates and send it to you for review/e-signature authorization.

Thank you!

Michelle Harrell

Legal Assistant to Michael J. Oh & Amanda B. Kern

HENDERSON

City of Henderson

City Attorney's Office – Civil Division

240 S. Water St, MSC 144

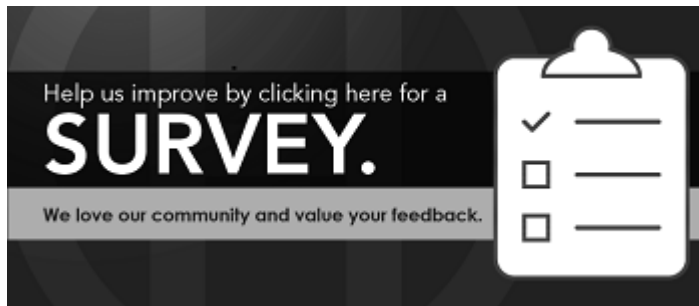
Henderson, NV 89015

Michelle.Harrell@cityofhenderson.com

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H Mon-Thu, 7:30am-5:30pm

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Kris Bechtold <pglawstaff@petergoldsteinlaw.com>

Wed, Aug 31, 2022 at 5:14 PM

To: Michelle Harrell <Michelle.Harrell@cityofhenderson.com>

Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Bcc: Peter Goldstein <pglawstaff@petergoldsteinlaw.com>

Hi Michelle - Peter is agreeable with the November 8th for pre-SC call and November 9th for the conference. Peter also asked if Mr. Oh would agree to moving the Jt. Pre-Trial Order filing date from September 20 November 16? We will also be contacting our client to make arrangements for his appearance while incarcerated.

Thank you,
Kris Bechtold
Legal Assistant



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[Quoted text hidden]

Michelle Harrell <Michelle.Harrell@cityofhenderson.com>

Thu, Sep 1, 2022 at 8:58 AM

To: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>

Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Thanks so much, Kris. We will get a stipulation drafted and sent to you today.

I'll ask Michael if we can file the Jt. Pre-Trial Order on November 16, which is after the settlement conference. From our last stip to continue the Jt. Pre-Trial Order, I noticed the court set the settlement conference the day after we were supposed to file the Jt. Pre-Trial Order.

Thanks again.

Michelle Harrell

Legal Assistant to Michael J. Oh & Amanda B. Kern

HENDERSON

City of Henderson

City Attorney's Office – Civil Division

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H Mon-Thu, 7:30am-5:30pm

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From: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>
Sent: Wednesday, August 31, 2022 5:15 PM
To: Michelle Harrell <Michelle.Harrell@cityofhenderson.com>
Cc: Peter Goldstein <peter@petergoldsteinlaw.com>; Michael Oh <Michael.Oh@cityofhenderson.com>
Subject: Re: Andrews v. HPD - Other Proposed Dates for Settlement Conference [COHCAO-LEGAL.FID63715]

EXTERNAL EMAIL – USE CAUTION

[Quoted text hidden]

Michelle Harrell <Michelle.Harrell@cityofhenderson.com> Thu, Sep 1, 2022 at 10:56 AM
To: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>
Cc: Peter Goldstein <peter@petergoldsteinlaw.com>, Michael Oh <Michael.Oh@cityofhenderson.com>

Hi Kris,

Michael is fine with moving the Jt. Pre-Trial Order date from September 20 to November 16. Please send us a copy of the stipulation to continue.

Also, for your office's information, I was directed to Radia Amari, Judge Weksler's law clerk, when I called to find out if we could get additional settlement conference dates. Radia said if we have any settlement conference-related questions, we could contact her directly. Here's Radia's contact information.



Radia Amari
Law Clerk to
Honorable Brenda Weksler
U.S. Magistrate Judge
702-464-5570

We'll be sending you a copy of the stipulation for the new settlement conference dates shortly.

Thank you!

Michelle Harrell

Legal Assistant to Michael J. Oh & Amanda B. Kern